

Appl. No.: 10/718,230

Amdt. Dated November 9, 2005

Response to Office Action Mailed August 11, 2005

REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application.

In making the amendments shown above, care has been taken to ensure that the claims remain supported by the specification and that no new matter has been introduced. Support for the amendments can be found in the specification at, among other places, pages 8-10.

The rejections under Section 102(b) and Section 103(a) are hereby traversed for at least the following reasons. It is noted that the Section 102(b) rejection cites *Kitajima*, U.S. Patent No. 5,589,939, and the Section 103(a) rejections cite *Kitajima* in combination with other references. All pending claims depend from the sole independent claim 1.

Kitajima discloses a laser surveying system which comprises a light projector (1) for illuminating a laser beam (LA) to reflecting devices (41-44) provided on an object (2), a light receiving device (58) which is disposed in the light projector (1) and receives the reflection light containing positional data, and a computer (9) as an arithmetic device which measures the displacement of the object (2) based on the positional data.

However, the computer (9) as an arithmetic device disclosed in *Kitajima* measures the displacement of the object, and does not teach or suggest the feature expressly set forth in claim 1 herein, wherein the arithmetic device (38) of the present invention distinguishes the reflection light image (MO) of the reflector (2) from a light image (M1, M2) other than the reflection light image of the reflector. More particularly, the arithmetic device (38) of the present

invention can determine whether or not a light image is the reflection light image (MO) of the reflector (2).

It is therefore submitted that the invention clearly is not anticipated by *Kitajima*. It is further submitted that there has been no prima facie case of obviousness established, there having been established no suggestion or motivation to combine or modify the features of the references as set forth in the Office action, and there further being established no reasonable expectation of success.

The Commissioner is hereby authorized to charge any fees associated with this communication, including any necessary fees under 37 CFR § 1.17(a) for any necessary extensions of time under 37 CFR § 1.136(a), which are hereby requested, to our Deposit Account No. 50-0305. The Examiner is encouraged to call Robert J. Schneider at the direct number (312) 845-3919 with any questions that arise in connection with this application, or to resolve any remaining issues.

It is respectfully submitted that the application is in condition for prompt allowance and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested. The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

Respectfully submitted,

By: 

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Date: November 9, 2005
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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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I hereby certify that the attached correspondence, namely: Response to Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: 

Typed Name of Person Signing this Certificate: Robert J. Schneider, Reg. No. 27,383

Date of Signature: November 9, 2005